

(Emergency Repealer)

**201 KAR 8:007E. Repeal of 201 KAR 8:006, 015, 070, 130, 135, 140, 150, 160, 170, 180, 185, 190, 220, 225, 230, 240, 250, 260, 265, 270, 277, 280, 290, 310, 320, 330, 340, 345, 350, 355, 400, 420, 430, 440, 450, 460, 470, and 490.**

**RELATES TO: 2010 Ky. Acts ch. 85, sec. 1-17, 22**

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 3(1)

NECESSITY, FUNCTION, AND CONFORMITY: The passage of 2010 Ky. Acts ch. 85, sec. 1-17 and 22 repealed the statutes which authorized the board to promulgate the regulations included in this emergency repealer, and 2010 Ky. Acts ch. 85, sec. 3(1) requires the board to exercise all of the administrative functions of the Commonwealth in the regulation of the profession of dentistry. This administrative regulation ensures that board's promulgated regulations are consistent with its statutory authority.

Section 1. The following administrative regulations are hereby repealed:

- (1) 201 KAR 8:006 Advertising of dental services;
- (2) 201 KAR 8:015 Registration of dental laboratories and technicians with board;
- (3) 201 KAR 8:070 Vacancies; how filled;
- (4) 201 KAR 8:130 X-rays by dental assistants;
- (5) 201 KAR 8:135 Auxiliary personnel;
- (6) 201 KAR 8:140 Continuing education compliance;
- (7) 201 KAR 8:150 Dental application; examination;
- (8) 201 KAR 8:160 Qualifications for examination;
- (9) 201 KAR 8:170 Application prior to graduation;
- (10) 201 KAR 8:180 Applicant; requirements;
- (11) 201 KAR 8:185 Written examination grade requirements;
- (12) 201 KAR 8:190 Examination committee;
- (13) 201 KAR 8:220 Clinical examinations;
- (14) 201 KAR 8:225 Credentialing of dental license;
- (15) 201 KAR 8:230 Reexamination; when;
- (16) 201 KAR 8:240 Clinical demonstrations;
- (17) 201 KAR 8:250 Duplicate license certificate;
- (18) 201 KAR 8:260 Dental hygiene application; examination;
- (19) 201 KAR 8:265 Credentialing of dental hygiene license;
- (20) 201 KAR 8:270 Grade requirement; dental hygiene examination;
- (21) 201 KAR 8:277 Written and clinical application grade requirements;
- (22) 201 KAR 8:280 Reexamination; dental hygienists;
- (23) 201 KAR 8:290 Hygienists' official register;
- (24) 201 KAR 8:310 Duplicate license; hygienists;
- (25) 201 KAR 8:320 Notice of place of employment; hygienists;
- (26) 201 KAR 8: 330 Hygienists' temporary retirement; reinstatement;
- (27) 201 KAR 8:340 Specialty application; examination;
- (28) 201 KAR 8:345 Educational requirements; specialties;
- (29) 201 KAR 8:350 Specialty grade requirement;
- (30) 201 KAR 8:355 Register; dental specialists;
- (31) 201 KAR 8:400 Complaint procedure;
- (32) 201 KAR 8:420 The prevention of transmission of human immunodeficiency virus and hepatitis B virus to patients by dental health care workers;
- (33) 201 KAR 8:430 Unprofessional conduct;
- (34) 201 KAR 8:440 Biennial fee schedule and registration;
- (35) 201 KAR 8:450 Dental hygienist services when supervising dentist not physically present;
- (36) 201 KAR 8:460 Administration of anesthesia by dental hygienists;
- (37) 201 KAR 8:470 Coronal polishing duties of dental assistants; and
- (38) 201 KAR 8:490 Expungement of records.

(Emergency Amendment)

**201 KAR 8:390E. General anesthesia, deep sedation, and conscious sedation by dentists.**

RELATES TO: 2010 Ky. Acts ch. 85, sec. 6, 2010 Ky. Acts ch. 85, sec. 10, 2010 Ky. Acts ch. 85, sec. 13(2)(p) [KRS 313.220(4)]

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 6(1), 2010 Ky. Acts ch. 85, sec. 10(1) [KRS 313.220(4)]

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 6(1) requires the board to promulgate regulations concerning conscious sedation and anesthesia permits, and 2010 Ky. Acts ch. 85, sec. 10(1) requires the board to promulgate regulations concerning the conscious sedation of patients. [KRS 313.220(4) authorizes the Board of Dentistry to regulate the practice of dentistry in Kentucky.] This administrative regulation establishes the requirements governing the use of general anesthesia, deep sedation, and conscious sedation by a licensed dentist.

**Section 1. Definitions.**

- (1) "Conscious sedation" means a minimally depressed level of consciousness:
  - (a) Produced by a pharmacological or nonpharmacological method; and
  - (b) In which the patient is able to independently and continuously:
    1. Maintain an airway; and
    2. Respond appropriately to physical stimulation and verbal command.
- (2) "Deep sedation" means a controlled state of depressed consciousness produced by a pharmacological or nonpharmacological method accompanied by:
  - (a) Partial loss of protective reflexes; and
  - (b) Inability to respond purposefully to verbal command.
- (3) "Enteral sedation" means use of a pharmacological method that produces a minimally-depressed level of consciousness.
- (4) "General anesthesia" means a controlled state of unconsciousness:
  - (a) Produced by a pharmacological or nonpharmacological method; and
  - (b) Accompanied by:
    1. Partial or complete loss of protective reflexes; and
    2. Inability to respond purposefully to physical stimulation or verbal command.
- (5) "Parenteral" means a sedation technique in which a drug is:
  - (a) Absorbed directly from the site of its administration into the cardiovascular system, effectively bypassing the gastrointestinal (GI) tract; and
  - (b) Normally administered by injection with a syringe.

**Section 2. Authorization.**

- (1) A dentist shall not use general anesthesia on an outpatient basis for a dental patient unless he:
  - (a) Applies for and receives a biennial permit of authorization by the Kentucky Board of Dentistry; and
  - (b) Provides proof of completion of a course of study in advanced cardiac life support (ACLS) or pediatric advanced life support (PALS) which meets or exceeds the standards set by the American Heart Association within twenty-four (24) months previous to the filing of the application.
- (2) To receive authorization, a dentist shall:
  - (a) Complete one (1) year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program as described in Part 2 of the ADA Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry; or
  - (b) Be:
    1. A Diplomate of the American Board of Oral Surgery; or
    2. Eligible for examination by the American Board of Oral Surgery.
- (3) A permit shall not be needed if a dentist works in conjunction with a trained physician anesthesiologist licensed to practice medicine in Kentucky or a Certified Registered Nurse Anesthetist licensed in Kentucky, if that person:
  - (a) Is a member of the anesthesiology staff of an accredited hospital; and
  - (b) Remains on the premises of the dental facility or hospital until the patient regains consciousness.
- (4) A facility where general anesthesia, deep sedation, or conscious sedation with a parenteral drug is employed shall meet board standards to insure that the protocol procedures, facilities, drugs, equipment, and personnel utilization are acceptable for safe and appropriate use. Board standards are established in:
  - (a) General Anesthesia and Deep Sedation Inspection List; and
  - (b) Conscious Sedation with Parenteral Drugs Inspection List.
- (5) A dentist administering general anesthesia or deep sedation shall:
  - (a) Have completed a course in advanced cardiac life support (ACLS) or pediatric advanced life support (PALS) through a course of study which meets or exceeds the standards set by the American Heart Association within the past twenty-four (24) months; or

(b) Obtain six (6) hours of continuing education every two (2) years relating to anesthesia safety and emergency procedures.

(6) Staff assisting with the administration of general anesthesia or deep sedation shall have current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association. ~~[basic life support (BLS) through a course of study which meets or exceeds the standards set by the:~~

- ~~(a) American Heart Association; or~~
- ~~(b) American Red Cross.]~~

(7) Continuing education required by this administrative regulation shall:

- (a) Not be used to satisfy other continuing education requirements; and
- (b) Be in addition to other continuing education requirements of 201 KAR Chapter 8.

(8) Enteral sedation. The same educational and equipment requirements established in subsection (4) of this section and Section 3 of this administrative regulation conscious sedation with parenteral drugs shall be required for the enteral sedation of patients under thirteen (13) years of age.

#### Section 3. Conscious Sedation with Parenteral Drugs.

(1) To qualify to use a parenteral drug in conscious sedation, a dentist shall produce evidence that he:

- (a) Qualifies under Section 2(2) of this administrative regulation for general anesthesia; or
- (b) Has completed an approved course in conscious sedation with parenteral drugs in a program approved by the Kentucky Board of Dentistry, which includes:
  - 1. Physical diagnosis and patient evaluation; and
  - 2. Passing a course of didactic and clinical training:
    - a. Consistent with Part 2 of the ADA Guidelines for teaching the Comprehensive Control of Pain and Anxiety in Dentistry; and
    - b. With documentation of having treated a minimum of twenty-five (25) cases; or
- (c) Is a diplomat, board eligible, eligible for board examination in a specialty, or a graduate of an accredited general practice residency, if the dentist [he] can provide proof of training in the use of conscious sedation with a parenteral drug. The training shall be consistent with Part 2 of the ADA Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry.

(2) A dentist and staff administering or assisting with the administration of conscious sedation with a parenteral drug shall have current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association. ~~[Basic Life Support (BLS) through a course of study which meets or exceeds the standards set by the:~~

- ~~(a) American Heart Association; or~~
- ~~(b) American Red Cross.]~~

(3) A dentist administering conscious sedation with a parenteral drug shall:

- (a) Have completed a course in Advanced Cardiac Life Support (ACLS) or pediatric advanced life support (PALS) which meets or exceeds the standards set by the American Heart Association within the past twenty-four (24) months; or
- (b) Obtain six (6) hours of continuing education every two (2) years specifically relating to anesthesia safety and emergency procedures.

(4) Continuing education required by this administrative regulation shall:

- (a) Not be used to satisfy other continuing education requirements; and
- (b) Be in addition to other continuing education requirements of 201 KAR Chapter 8.

#### Section 4. Enteral Sedation for Patients Thirteen (13) Years and Older. This mechanism and route of sedation shall be a controlled, pharmacological induced, depressed level of consciousness. The drugs, doses, and techniques used shall carry a margin of safety wide enough to render unintended loss of consciousness unlikely.

(1) Equipment needed. The following equipment shall be required:

- (a) Oxygen delivery system with adequate full-face masks and appropriate connectors that are capable of delivering oxygen to a patient under positive pressure, and an adequate back up system;
- (b) Pulse oximeter;
- (c) Blood pressure cuff and stethoscope;
- (d) Oral airway; and
- (e) Appropriate emergency drugs.

(2) Records. Anesthesia records shall be recorded and maintained as a permanent portion of the patient's file and shall include:

- (a) Informed consent for oral conscious sedation;
- (b) Vital signs, blood pressure, and pulse;
- (c) Patient's weight, all drugs administered, dosages, and level of consciousness; and

(d) A discharge level of consciousness, blood pressure, and pulse.

Section 5. Inspection.

(1) If general anesthesia, deep sedation, enteral sedation of children under the age of thirteen (13), or conscious sedation with a parenteral drug is employed, the board may conduct an unannounced on-site inspection of a facility to determine that the protocol, procedures, facility, drug, equipment, and personnel utilization meet board standards as established in the:

- (a) General Anesthesia and Deep Sedation Inspection List; and
- (b) Conscious Sedation with Parenteral Drugs Inspection List.

(2) The inspection team shall:

- (a) Be determined by the board; and
- (b) Reflect the principles of peer review.

Section 6. Report of Injury or Mortality. A licensee engaged in the practice of dentistry in the state of Kentucky shall submit a complete report within thirty (30) days to the board of a mortality or other incident occurring in an outpatient facility of the dentist which results in temporary or permanent physical or mental injury requiring hospitalization of the patient during or as a direct result of a dental procedure or related use of general anesthesia, deep sedation, conscious sedation with a parenteral drug, or enteral sedation.

Section 7. Personnel. The following shall be present during the administration of general anesthesia or deep sedation:

- (1) The qualified operating dentist to direct the general anesthesia or deep sedation;
- (2) A person to observe and monitor the patient; and
- (3) An assistant to the operating dentist.

Section 8. Permit Renewal and Biennial Fee.

(1) A permit shall be renewed biennially unless the dentist:

- (a) Fails to obtain the:
  - 1. Proper certification in advanced cardiac life support (ACLS), pediatric advanced life support (PALS), or basic life support (BLS); or
  - 2. Required hours of continuing education; or
- (b) Does not utilize general anesthesia, deep sedation, or conscious sedation with a parenteral drug, or enteral conscious sedation of children under the age of thirteen (13) in a facility that meets board standards.

(2) The permit holder shall pay the fee required by 201 KAR 8:520. [The biennial fee of thirty (30) dollars shall be paid for renewal of a permit at the time of license renewal.]

Section 9. Nitrous Oxide.

- (1) To qualify to use nitrous oxide in conscious sedation, a dentist shall complete a university based course approved by the Kentucky Board of Dentistry.
- (2) Equipment used in the administration of nitrous oxide shall have functional safe guard measures that:
  - (a) Limit the minimum delivered oxygen concentration to thirty (30) percent; and
  - (b) Provide for scavenger elimination of nitrous oxide gas.
- (3) The dentist shall:
  - (a) Insure that a patient receiving nitrous oxide is constantly monitored; and
  - (b) Be present in the office while nitrous oxide is being used.
- (4) A dentist shall not need a permit to administer nitrous oxide.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Application for General Anesthesia and/or conscious sedation permit", July 2010; [~~July, 1995 Edition~~], ~~Kentucky Board of Dentistry~~;
- (b) "ADA Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, Part 2", (2000 Edition), American Dental Association;
- (c) "General Anesthesia and Deep Sedation Inspection List", July 2010; and [(1997 Edition), Kentucky Board of Dentistry; and]
- (d) "Conscious Sedation with Parenteral Drugs Inspection List", July 2010. [(1997 Edition), Kentucky Board of Dentistry.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

(New Emergency Administrative Regulation)

**201 KAR 8:500E. Board organization.**

RELATES TO: 2010 Ky. Acts ch. 85, sec. 2

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 2, 2010 Ky. Acts ch. 85, sec. 3(1)(a), (h)

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 2 authorizes the board to hold annual elections for vacancies, and 2010 Ky. Acts ch. 85, sec. 3(1)(h) requires the board to establish committees and subcommittees and the membership thereof. This administrative regulation establishes the organization of the board, the procedure for elections, and the structure of committees of the board.

Section 1. Vacancies for the position of dentist on the board shall be filled by candidates selected according to the following geographic chart with two (2) members representing Zone 1 and one (1) member each from Zone 2 to Zone 6, inclusive:

- (1) Zone 1 - Louisville Area: Breckinridge, Bullitt, Carroll, Grayson, Hardin, Henry, Jefferson, Larue, Meade, Nelson, Oldham, Shelby, Spencer, and Trimble counties.
- (2) Zone 2 - Blue Grass Area: Anderson, Bath, Bourbon, Boyle, Clark, Estill, Fayette, Fleming, Franklin, Garrard, Harrison, Jackson, Jessamine, Lee, Lincoln, Madison, Menifee, Mercer, Montgomery, Nicholas, Owen, Powell, Rockcastle, Scott, and Woodford counties.
- (3) Zone 3 - Eastern and Northeastern Area: Boone, Boyd, Bracken, Campbell, Carter, Elliott, Gallatin, Grant, Greenup, Kenton, Lawrence, Lewis, Mason, Pendleton, Robertson, and Rowan counties.
- (4) Zone 4 - Kentucky Mountain, Southeastern and South Central Area: Adair, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Floyd, Green, Harlan, Johnson, Knott, Knox, Laurel, Leslie, Letcher, Magoffin, Marion, Martin, McCreary, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Pulaski, Russell, Taylor, Washington, Wayne, Whitley, and Wolfe counties.
- (5) Zone 5 - Green River and Pennyryle Area: Allen, Barren, Butler, Daviess, Edmonson, Hancock, Hart, Henderson, Logan, McLean, Ohio, Simpson, and Warren counties.
- (6) Zone 6 - Southwestern and West Central Area: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Muhlenberg, Todd, Trigg, Union, and Webster counties.

Section 2. Vacancies for the position of dental hygienist on the board shall be filled by candidates selected according to the following geographic chart with one (1) member being selected from each of the Zones 1 and 2:

- (1) Zone 1 - East: Adair, Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Green, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Marion, Martin, Mason, McCreary, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Nelson, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Taylor, Washington, Wayne, Whitley, Wolfe, and Woodford counties.
- (2) Zone 2 - West: Allen, Ballard, Barren, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Meade, Muhlenberg, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, and Webster counties.

Section 3. The board shall notify each licensed dentist and dental hygienist of an upcoming election and the need for nominations at least sixty (60) days prior to the nomination deadline by publishing the notice of election on the board's Web site, by electronic communications with the respective associations, and in written communication to all resident licensees. The notice of elections shall include the steps to nominate an individual for an open position, the date nominations will cease, the date the election will be held, and the manner in which the election will be held.

Section 4. Nominations shall be sent to the office of the board at least fifteen (15) days prior to the election in order that the candidates may consent to or decline their nominations before the election. Nominations received after the fifteen (15) day deadline shall not be accepted.

Section 5. Appointment of Committee Members and Committee Chairpersons.

- (1) The chairpersons and members of a standing committee of the board shall be appointed by the board president and shall be subject to approval by the board.
- (2) A task force may be created:
  - (a) At the request of any board member subject to a majority vote of the board members; or
  - (b) At the discretion of the board president.
- (3) Chairpersons and members of a task force created under Section 5(2)(a) of this administrative regulation shall be appointed by a majority vote of the board members. Chairpersons and members of a task force created under Section 5(2)(b) of this administrative regulation shall be appointed by the board president.

- (4) Staff members of the office of the board may serve as non-voting ex officio members of any committee, standing committee, or task force created under KRS Chapter 313 or the administrative regulations promulgated thereunder.
- (5) Standing committee members shall have a term which expires September 30 of each calendar year. All reappointments shall be made by the board no later than September 30.
- (6) Only a standing committee or task force chairperson or vice-chairperson in the absence of the chairperson may bring reports or recommendations before the board for action. All reports to the board shall be submitted in written format.
- (7) A task force shall cease to exist at the close of its work. A member of a task force shall not serve for a period of more than one (1) year without reappointment. A task force shall serve at the pleasure of the board. A task force may be dissolved at any time by a majority vote of the board members.
- (8) When a task force is created, the board president shall give a specific written charge to the task force with guidelines, as appropriate. The board president may establish a reporting deadline for the completion of the specific written charge.
- (9) Task force members shall serve without compensation unless they are board members eligible for compensation under 2010 Ky. Acts ch. 85, sec. 2(7).

#### Section 6. Standing Committees of the Board.

- (1) Executive Committee. The executive committee shall:
  - (a) Address legislative issues and proposals and review administrative regulations for submission to the board, including recommending to the board the promulgation of administrative regulations, amendment of administrative regulations, or repeal of administrative regulations relating to:
    1. All levels of personnel licensed, certified, or registered by the board; and
    2. Rules and operating procedures for the board and each of its standing committees and task forces;
  - (b) Serve as a resource for board staff:
    1. By creating and recommending to the board a biennial budget for the board prior to submission to appropriate state agencies;
    2. By identifying, developing, and recommending to the board sources of funding for its programs; and
  - (c) Make recommendations to the board regarding fees to be charged by the board.
- (2) Credentials Committee. The credentials committee shall review the credentials of individuals applying for licensure as a dentist or dental hygienist and make recommendations for acceptance or denial to the full board based on the requirements set forth by 201 KAR 8:530 and 201 KAR 8:560.
- (3) Law Enforcement Committee. The law enforcement committee shall be involved with the disciplinary actions of individuals licensed or registered or who are applicants for licensure or registration by the board pursuant to 2010 Ky. Acts ch. 85, sec. 14-17. Members of this committee shall sign a confidentiality agreement with the board and shall be subject to disciplinary action of the full board if found to violate this agreement.

#### Section 7. Agendas.

- (1) A person desiring a matter to be placed on the agenda for a regular board meeting shall submit a written request to the executive director not less than twenty (20) working days prior to the board meeting.
- (2) The request shall contain the following information:
  - (a) The matter requested to be placed before the board;
  - (b) The action desired on the matter;
  - (c) Documentation in support of the request;
  - (d) The name, address, telephone number, and other contact methods as may be necessary to contact the person or organization submitting the request; and
  - (e) The name, address, telephone number, and other contact methods as may be necessary to contact each person requesting to speak on behalf of the request at the board meeting.
- (3) Not less than seven (7) working days prior to the board meeting, the president of the board shall set the agenda and cause its publication on the board's Web site and in writing. Written copies of the agenda may be obtained from the executive director after it is made public. The board may charge a reasonable fee for the provision of an agenda by mail, fax, or in hard copy. Following publication, the agenda shall be available for inspection at the office of the board.
- (4) The submission of a request for a matter to be placed on the agenda at a regular board meeting shall not guarantee that the matter will be placed on the agenda, or the sequential order on the agenda of a matter approved for the agenda.
- (5) The board shall adhere to the published agenda at a regular board meeting, unless the board takes action to amend the agenda.

#### Section 8. Quorum.

- (1) The board shall transact business so long as it has convened with a quorum present.

(2) A simple majority of appointed members shall constitute a quorum for standing committee and task force committee meetings.

**Section 9. Voting.**

(1) Voting shall be accomplished by one (1) of the following methods:

- (a) Voice vote;
- (b) A show of hands; or
- (c) A roll call vote.

(2) In order for the board to take action on a routine matter, other than those set forth Section 9(3) of this administrative regulation, a majority of board members present shall have agreed to the action.

(3) In order for the board to take action on the following matters, two-thirds of the members of the board shall have agreed to the action:

- (a) Promulgate, amend, or repeal an administrative regulation;
- (b) Appoint, direct, or hire by personal service contract the executive director or general counsel;
- (c) Discipline or action regarding statutory employees;
- (d) Initiate a legal action on behalf of the board;
- (e) Hire outside legal counsel to defend the board in a legal action against the board, a member of the board acting in their official capacity, or an employee of the board acting in their official capacity, or for other specified purpose;
- (f) Adopt a proposed budget for the board;
- (g) Authorize the expenditure of more than \$10,000, unless the amount is a routine budgeted expenditure;
- (h) Take action on an item added to the agenda of the board at the same meeting at which the item is added to the agenda of the board; or
- (i) Take an action at an emergency meeting of the board.

(4) A supermajority of the members present at a meeting shall be required in order for the board to approve or deny an application for licensure by credentials.

**Section 10. Attendance of Board Staff and Employees at a Board Meeting.**

(1) The following staff of the board shall attend each board meeting, unless excused in writing by the president of the board or excused from the meeting by action of the board:

- (a) Executive director; and
- (b) General counsel.

(2) An employee of the board, other than one (1) specified in Section 10(1) of this administrative regulation shall attend a meeting of the board if requested to do so by the president of the board or the executive director.

(3) An employee of the board, other than one specified in Section 10(1) of this administrative regulation may attend a meeting of the board as part of their state duty time with the permission of the president of the board or the executive director.

(New Emergency Administrative Regulation)

**201 KAR 8:510E. Advisory opinions.**

RELATES TO: 2010 Ky. Acts ch. 85, sec. 3(1)(k)

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 3(1)

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 3(1) authorizes the board to issue advisory opinions. This administrative regulation establishes the procedures for submission, consideration, and disposition of a request for an advisory opinion.

**Section 1. Form of Request.**

(1) The request shall be signed by one (1) or more persons, with each signer's mailing address and telephone number, and if available, fax number and e-mail address, clearly indicated. If a person signs on behalf of a corporation or association, the name of the entity, the address, telephone number, and fax number of the entity shall be included. The signer shall date the request.

(2) The request shall be submitted on the "Advisory Opinion Request Form".

**Section 2. Consideration.**

(1) The board president, or his designee in writing, may schedule an informal meeting between the requester, any interested persons, and a representative of the board, to present information and discuss questions raised. A final decision shall not be made at an informal meeting.

(2) In rendering an advisory opinion, the board shall:

- (a) Consider all materials submitted with the request;
- (b) Consider any relevant document, data, or other material; and
- (c) Consider comments from the board's staff.

(3) The board may:

- (a) Consult experts or other individuals as it deems necessary;
- (b) Require argument of the question; or
- (c) Permit the introduction of evidence.

**Section 3. Issuance of Opinion or Refusal to Issue an Opinion.** The board shall issue an advisory opinion in response to the request, unless one (1) of the following applies:

- (1) The board does not have jurisdiction over the questions presented in the request;
- (2) The questions presented are pending in a disciplinary matter, or other board or judicial proceeding which may definitively decide the issues;
- (3) The questions presented by the request would be more properly resolved in a different type of proceeding;
- (4) The facts or questions presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an opinion;
- (5) There is no need to issue an opinion because the questions raised in the request have been settled due to a change in circumstances;
- (6) The requester is asking the board to determine whether a statute is unconstitutional; or
- (7) The board concludes an opinion would not be in the public interest.

**Section 4. Publication of Advisory Opinions.**

(1) All advisory opinions shall be published and maintained by the office of the board. Publication shall be made by hard copy and by placing the entire opinion on the board's Web site.

(2) All names or references which allow for the identification of parties shall be redacted from the final published advisory opinion.

(3) An index of all final published advisory opinions shall be maintained by the office of the board. The index shall include the subject of each opinion, its publication date, and any prospective changes effectuated by the opinion.

**Section 5. Reconsideration and Appeals.**

(1) Any person may request the board to reconsider a published advisory opinion within ten (10) working days of the publication of the opinion.

(2) The request for reconsideration shall be submitted on the "Advisory Opinion Request Form".

(3) Requests for reconsideration shall contain:

- (a) A clear and concise statement of the grounds for the reconsideration;
- (b) The proposed conclusion with a summary of the rationale supporting the proposed conclusion;
- (c) Any supportive statute, administrative regulation, document, order or other statements of law or policy, with an explanation of the relevance of the material offered; and
- (d) A statement of adverse impact, if any, resulting from the published advisory opinion.

(4) Any notice of appeal to the Franklin Circuit Court filed pursuant to 2010 Ky. Acts ch. 85, sec. 15 shall be served upon the board president, the executive director and the general counsel for the board.



Section 6. Incorporation by Reference.

(1) “Advisory Opinion Request Form”, July 2010, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board’s Web site at <http://dentistry.ky.gov>.

(New Emergency Administrative Regulation)

**201 KAR 8:520E. Fees and fines.**

RELATES TO: 2010 Ky. Acts ch. 85, sec. 4, 2010 Ky. Acts ch. 85, sec. 5, 2010 Ky. Acts ch. 85, sec. 16(2)(c)

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 4

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 4 requires the board to promulgate administrative regulations to prescribe a reasonable schedule of fees, charges, and fines. This administrative regulation establishes fees, charges, and fines for the issuance, renewal, and reinstatement of licenses, for services and materials provided by the board, for investigations, and for infractions.

**Section 1. Dentists.**

- (1) The initial licensure fee for a general dental license applied for in a non-renewal year shall be \$325.
- (2) The initial licensure fee for a general dental license applied for in a renewal year shall be \$175.
- (3) The renewal fee for a general dental license appropriately renewed on or before the expiration of the license shall be \$295.
- (4) The renewal reinstatement fee for a general dental license renewed between January 1 and January 15 of the year following the expiration of the license shall be \$280 in addition to the renewal fee.
- (5) The renewal reinstatement fee for a general dental license renewed between January 16 and January 31 of the year following the expiration of the license shall be \$560 in addition to the renewal fee.
- (6) The renewal reinstatement fee for a general dental license renewed on or after February 1 of the year following the expiration of the license shall be \$1,120 in addition to the renewal fee.
- (7) The initial fee for a dental anesthesia or sedation permit shall be \$250.
- (8) The renewal fee for a dental anesthesia or sedation permit shall be seventy-five (75) dollars and is in addition to the renewal fee for a general dental license.
- (9) The initial fee for an anesthesia or sedation facility certificate shall be \$250.
- (10) The renewal fee for an anesthesia or sedation facility certificate shall be seventy-five (75) dollars.
- (11) The specialty license application fee shall be \$100.
- (12) The specialty license renewal fee shall be fifty (50) dollars and is in addition to the renewal fee for a general dental license.
- (13) The fee for reinstatement of a properly retired general dental license shall be \$350.
- (14) The fee for reinstatement of a properly retired specialty license shall be fifty (50) dollars and is in addition to the renewal fee for a general dental license.

**Section 2. Dental Hygienists.**

- (1) The initial licensure fee for a dental hygiene license applied for in a non-renewal year shall be \$125.
- (2) The initial licensure fee for a dental hygiene license applied for in a renewal year shall be seventy-five (75) dollars.
- (3) The renewal fee for a dental hygiene license appropriately renewed on or before the expiration of the license shall be \$110.
- (4) The renewal reinstatement fee for a dental hygiene license renewed between January 1 and January 15 of the year following the expiration of the license shall be \$130 in addition to the renewal fee.
- (5) The renewal reinstatement fee for a dental hygiene license renewed between January 16 and January 31 of the year following the expiration of the license shall be \$260 in addition to the renewal fee.
- (6) The renewal reinstatement fee for a dental hygiene license renewed on or after February 1 of the year following the expiration of the license shall be \$520 in addition to the renewal fee.
- (7) The initial dental hygiene anesthesia registration fee shall be fifty (50) dollars.
- (8) The initial dental hygiene general supervision registration fee shall be fifty (50) dollars.
- (9) The initial dental hygiene intravenous access line registration fee shall be fifty (50) dollars.
- (10) The initial dental hygiene laser debridement registration fee shall be fifty (50) dollars.
- (11) The fee for reinstatement of a properly retired dental hygiene license shall be \$125.

**Section 3. Registered Dental Assistants.** The initial registered dental assistant intravenous access line registration fee shall be fifty (50) dollars.

**Section 4. General Fees.**

- (1) The fee for the verification of a license shall be forty (40) dollars.
- (2) The fee for a duplicate license shall be twenty-five (25) dollars.
- (3) The fee for a contact list for either currently licensed dentists, currently licensed dental hygienists, or currently registered dental assistants shall be:
  - (a) \$100 for lists obtained for not-for-profit use; and
  - (b) \$1,000 for lists obtained for profit use.

- (4) The fee for a query of the National Practitioner Data Bank shall be twenty-five (25) dollars.
- (5) The fee for a paper copy of the Dental Practice Act shall be fifty (50) dollars.
- (6) The fee for any returned check or rejected electronic payment shall be twenty-five (25) dollars.

Section 5. General Fines.

- (1) Fines may be agreed to by settlement agreement in addition to the fines listed in this section.
- (2) The costs of a disciplinary action taken as a result of a hearing shall be equal to the amount of all actual and necessary costs associated with the hearing.
- (3) If a licensee is found to be deficient on hours following a continuing education audit, the fine shall be \$200 per hour deficient.
- (4) The fine for failure of a follow-up infection control inspection shall be \$1,000.
- (5) The fine for failure of a follow-up anesthesia and sedation facility inspection, performed no sooner than twenty (20) days following an initial failed inspection, shall be \$2,500.

Section 6. All fines and fees paid to the board are non-refundable.

(New Emergency Administrative Regulation)

**201 KAR 8:530E. Licensure of dentists.**

RELATES TO: KRS 214.615, 2010 Ky. Acts ch. 85, sec. 5, 2010 Ky. Acts ch. 85, sec. 6, 2010 Ky. Acts ch. 85, sec. 13, 2010 Ky. Acts ch. 85, sec. 17, 2010 Ky. Acts ch. 85, sec. 22

STATUTORY AUTHORITY: KRS 214.615(2), 2010 Ky. Acts ch. 85, sec. 3(1)(a), (b), (c), 2010 Ky. Acts ch. 85, sec. 6(1), (3), 2010 Ky. Acts ch. 85, sec. 22

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 6 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dentists. This administrative regulation establishes those requirements and procedures.

Section 1. General Licensure Requirements. An applicant desiring dental licensure in the Commonwealth shall at a minimum:

- (1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;
- (2) Submit a completed and signed "Application for Dental Licensure";
- (3) Pay the fee required 201 KAR 8:520;
- (4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 which would prevent licensure;
- (5) Provide proof of completion of the requirements of KRS 214.615(1);
- (6) Complete and pass the board's jurisprudence exam;
- (7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;
- (8) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint;
- (9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;
- (10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental school or college or dental department of a university;
- (11) Provide proof that the applicant has successfully completed Part I and Part II of the National Board Dental Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and
- (12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination.

- (1) Each individual desiring initial licensure as a dentist by examination shall complete all of the requirements listed in Section 1 of this administrative regulation.
- (2) Each individual desiring initial licensure as a dentist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of his application.
  - (a) Prior to July 15, 2015, the board shall accept the following regional clinical examinations:
    1. The examination of the Council of Interstate Testing Agencies (CITA);
    2. The examination of the Central Regional Dental Testing Service (CRDTS);
    3. The examination of the North East Regional Board of Dental Examiners (NERB);
    4. The examination of the Southern Regional Testing Agency (SRTA); and
    5. The examination of the Western Regional Examining Board (WREB).
  - (b) After July 15, 2015, the board shall only accept a nationalized clinical examination.
- (3) An individual desiring initial licensure as a dentist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental education shall:
  - (a) Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or
  - (b) If the applicant does not hold a license to practice dentistry in good standing, complete a board approved refresher course prior to receiving a license to practice dentistry in the Commonwealth of Kentucky.
- (4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan approved by the board.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dentist by credentials shall:

- (1) Complete all of the requirements listed in Section 1 of this administrative regulation;
- (2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the application, the applicant has been engaged in the active practice of dentistry when he or she was legally authorized to practice dentistry in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky.

Section 4. Requirements for Student Limited Licensure.

- (1) Each individual desiring a student limited license shall:
  - (a) Complete all of the requirements listed in Section 1 of this administrative regulation with the exception of subsections (10) and (11);
  - (b) Provide a letter from the dean or program director of a postgraduate, residency, or fellowship program in the Commonwealth of Kentucky stating that the applicant has been accepted into a the program and the expected date of completion;
  - (c) Submit a signed "Statement Regarding Student Licensure Limitations"; and
  - (d) Submit an official final transcript of his dental coursework with degree posted.
- (2) An individual licensed under this section shall only practice dentistry in conjunction with programs of the dental school where the individual is a student and may only provide professional services to patients of these programs.
- (3) Licenses issued under this section shall be renewed with all other dental licenses issued by the board and shall automatically expire upon the termination of the holder's status as a student.
- (4) A program enrolling an individual holding a student limited license shall notify the board in writing of the date the student graduates from or exits the program.
- (5) Nothing in this section shall prohibit:
  - (a) Students from performing dental operations under the supervision of competent instructors within the dental school, college, or department of a university or private practice facility approved by the board. The board may authorize the students of any dental college, school, or department of a university to practice dentistry in any state or municipal institution or public school, or under the board of health, or in a public clinic or a charitable institution. No fee shall be accepted by the student beyond the expenses provided by the stipend;
  - (b) Student limited license holders from working under the general supervision of a licensed dentist within the confines of the postgraduate training program; and
  - (c) Volunteer health practitioners from providing services under KRS 39A.350-366.

Section 5. Requirements for Faculty Limited Licensure.

- (1) Each individual desiring a faculty limited license shall:
  - (a) Complete all of the requirements listed in Section 1 of this administrative regulation with the exception of subsections (10) and (11);
  - (b) Provide a letter from the dean or program director of the dental school showing a faculty appointment with one (1) of the Commonwealth's dental schools;
  - (c) Submit a signed "Statement Regarding Faculty Licensure Limitations"; and
  - (d) Submit an official final transcript of his dental coursework with degree posted.
- (2) An individual licensed under this section shall only practice dentistry in conjunction with programs of the dental school where the individual is a faculty member and may only provide professional services to patients of these programs.
- (3) Licenses issued under this section shall be renewed with all other dental licenses issued by the board and shall automatically expire upon the termination of the holder's status as a faculty member.
- (4) A programs employing an individual holding a faculty limited license shall notify the board in writing of the date the licensee exits the program.

Section 6. Requirements for Licensure of Foreign Trained Dentists.

- (1) Each individual desiring licensure as a dentist who is a graduate of a non-CODA accredited dental program shall successfully complete two (2) years of post-graduate training in a CODA accredited general dentistry program and shall:
  - (a) Provide proof of having passed the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service with a score of 650 on the paper-based examination or a score of 116 on the internet-based examination, if English is not the applicant's native language;
  - (b) Submit a completed and signed "Application for Dental Licensure";
  - (c) Pay the fee required by 201 KAR 8:520;
  - (d) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 which would prevent licensure;
  - (e) Provide proof of having completed the requirements of KRS 214.615(1);
  - (f) Complete and pass the board's jurisprudence exam;
  - (g) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;

- (h) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last 5 years, or by fingerprint;
  - (i) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;
  - (j) Provide proof of having successfully completed two (2) years post-graduate training in a CODA accredited general dentistry program;
  - (k) Submit one (1) letter of recommendation from the program director of each training site;
  - (l) Provide proof of successful completion of Part I and Part II of the National Board Dental Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations within the five (5) years preceding application for licensure;
  - (m) Provide proof of successfully completing within the five (5) years prior to application a clinical examination approved in Section 2(2) of this administrative regulation; and
  - (n) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.
- (2) An individual desiring initial licensure as a dentist who is a graduate of a non-CODA accredited dental program and applies more than two (2) years after fulfilling all of the requirements of his post-graduate training in a CODA accredited general dentistry program shall:
- (a) Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or
  - (b) If the applicant does not hold a license to practice dentistry in good standing, complete a board approved refresher course prior to receiving a license to practice dentistry in the Commonwealth of Kentucky.

**Section 7. Requirements for Charitable Limited Licensure.**

- (1) Each individual desiring a charitable limited license shall:
- (a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;
  - (b) Submit a completed and signed "Application for Charitable Dental Licensure";
  - (c) Not be subject to disciplinary action pursuant to KRS Chapter 313 which would prevent licensure;
  - (d) Have a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; and
  - (e) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.
- (2) An individual licensed under this section shall:
- (a) Work only with charitable entities registered with the Cabinet for Health and Family Services which have met the requirements of 2010 Ky. Acts ch. 85, sec. 22 and 201 KAR 8:580;
  - (b) Only perform procedures allowed by 2010 Ky. Acts ch. 85, sec. 22, which shall be completed within the duration of the charitable event;
  - (c) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-075;
  - (d) Perform these duties without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer; and
  - (e) Have a charitable limited license which shall be valid for no more than two (2) years and shall expire during the regular dental renewal cycle.

**Section 8. Requirements for Specialty Licensure. Each individual desiring initial licensure as a specialist as defined by 2010 Ky. Acts ch. 85, sec. 1 shall:**

- (1) Submit a completed and signed "Application for Specialty Licensure";
- (2) Pay the fee required by 201 KAR 8:520;
- (3) Hold an active Kentucky license to practice general dentistry prior to being issued a specialty license; and
- (4) Submit satisfactory evidence of completing a CODA accredited graduate or postgraduate specialty program after graduation from a dental school.

**Section 9. Minimum Continuing Education Requirements.**

- (1) Each individual desiring renewal of an active dental license shall complete thirty (30) hours of continuing education which relates to or advances the practice of dentistry and would be useful to the licensee in his practice.
- (2) Acceptable continuing education hours shall include course content designed to increase:
- (a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;
  - (b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;
  - (c) Competence to diagnose oral pathology;
  - (d) Awareness of currently accepted methods of infection control;

- (e) Knowledge of basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;
- (f) Knowledge of clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;
- (g) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;
- (h) Competency in assisting in mass casualty or mass immunization situations;
- (i) Clinical skills through the volunteer of clinical charitable dentistry which meets the requirements of 2010 Ky. Acts ch. 85, sec. 22;
- (j) Knowledge of office business operations and best practices; or
- (k) Participation in dental association or society business meetings.

(3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.

(4) A maximum of ten (10) hours total may be taken which meet the requirements of Section 9(2)(h)-(k) of this administrative regulation.

(5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:

- (a) The signature of or verification by the provider;
- (b) The name of the licensee in attendance;
- (c) The title of the course or meeting attended or completed;
- (d) The date of attendance or completion;
- (e) The number of hours earned; and
- (f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(6) It shall be the sole responsibility of the individual licensee to obtain documentation from the provider or sponsoring organization verifying participation as outlined in Section 9(5) of this administrative regulation and to retain the documentation for a minimum of five (5) years.

(7) At the time of license renewal, each licensee shall attest to the fact that he or she has complied with the requirements of this section.

(8) Each licensee shall be subject to audit of proof of continuing education compliance by the board.

#### Section 10. Requirements for Renewal of a Dental License.

(1) Each individual desiring renewal of an active dental license shall:

- (a) Submit a completed and signed "Application for Renewal of Dental Licensure";
- (b) Pay the fee required by 201 KAR 8:520;
- (c) Maintain with no more than a thirty (30) day lapse CPR certification which meets or exceeds the guidelines set forth by the American Heart Association unless a hardship waiver is submitted to and subsequently approved by the board;
- (d) Meet the requirements of KRS 214.615(1) regarding HIV/AIDS education for healthcare providers; and
- (e) Meet the continuing education requirements as outlined in Section 9 of this administrative regulation except in the following cases:
  - 1. If a hardship waiver has been submitted to and is subsequently approved by the board;
  - 2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee shall complete one-half of the hours as outlined in Section 9 of this administrative regulation; and
  - 3. If the licensee graduated in the second year of the renewal biennium, in which case the licensee shall not be required to complete the continuing education requirements outlined in Section 9 of this administrative regulation.

(2) If a licensee has not actively practiced dentistry in the two (2) consecutive years preceding the filing of the renewal application, he or she shall complete and pass a board approved refresher course prior to resuming the active practice of dentistry.

#### Section 11. Retirement of a License.

- (1) Each individual desiring retirement of a dental license shall submit a completed and signed "Retirement of License Form".
- (2) Upon receipt of this form, the board will send written confirmation of retirement to the last known address of the licensee.
- (3) No individual may retire a license that has pending disciplinary action against it.
- (4) Each retirement shall be effective upon the processing of the completed and signed "Retirement of License Form" by the board.

#### Section 12. Reinstatement of a License.

- (1) Each individual desiring reinstatement of a properly retired dental license shall:

- (a) Submit a signed and completed “Application to Reinstate a Dental License”;
- (b) Pay the fee required by 201 KAR 8:520;
- (c) Show proof of having current certification in CPR which meets or exceeds the guidelines set forth by the American Heart Association;
- (d) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;
- (e) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and
- (f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as outlined in Section 9 of this administrative regulation within those two (2) years.

(3) If the applicant has not actively practiced dentistry in the two (2) consecutive years immediately preceding the filing of the reinstatement application, the applicant shall complete and pass a refresher course approved by the board.

(4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as outlined in Section 9 of this administrative regulation prior to the renewal of his license.

(5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half of the hours as outlined in Section 9 of this administrative regulation prior to the renewal of his license.

Section 13. Requirements for Verification of Licensure. Each individual desiring verification of a dental license shall:

- (1) Submit a signed and completed “Verification of Licensure or Registration Form”; and
- (2) Pay the fee required by 201 KAR 8:520.

Section 14. Requesting a Duplicate License. Each individual desiring a duplicate dental license shall:

- (1) Submit a signed and completed “Duplicate License or Registration Request Form”; and
- (2) Pay the fee required by 201 KAR 8:520.

Section 15. Issuance of Initial Licensure. If an applicant has completed all of the requirements for licensure within six (6) months of the date the application was received at the office of the board, the board shall:

- (1) Issue a license in sequential numerical order; or
- (2) Deny licensure due to a violation of KRS Chapter 313 or the administrative regulations promulgated thereunder.

Section 16. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) “Application for Dental Licensure”, July 2010;
  - (b) “Statement Regarding Student Licensure Limitations”, July 2010;
  - (c) “Statement Regarding Faculty Licensure Limitations”, July 2010;
  - (d) “Application for Charitable Dental Licensure,” July 2010;
  - (e) “Application for Specialty Licensure”, July 2010;
  - (f) “Application for Renewal of Dental Licensure”, July 2010;
  - (g) “Retirement of License Form”, July 2010;
  - (h) “Application to Reinstate a Dental License”, July 2010;
  - (i) “Verification of Licensure or Registration Form”, July 2010; and
  - (j) “Duplicate License or Registration Form”, July 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board’s Web site at <http://dentistry.ky.gov>.



(New Emergency Administrative Regulation)

**201 KAR 8:540E. Dental practices.**

RELATES TO: 42 U.S.C. sec. 300ee-2 note, 2010 Ky. Acts ch. 85, sec. 10

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 10(1)

NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. Section 300ee-2 note requires each state to institute the guidelines issued by the United States Centers for Disease Control and Prevention or guidelines which are equivalent to those promulgated by the Centers for Disease Control and Prevention concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure-prone invasive procedures, and 2010 Ky. Acts ch. 85, sec. 10 (1) requires the board to promulgate administrative regulations relating to dental practices which shall include minimal requirements for documentation and Centers for Disease Control compliance. This administrative regulation establishes these requirements.

Section 1. Definitions. "Invasive procedure" means any procedure which penetrates hard or soft tissue.

Section 2. Minimum Documentation Standards for all Dental Patients.

- (1) Each patient's dental records shall be kept by the dentist for a minimum of:
  - (a) Seven (7) years from the date of the patient's last treatment;
  - (b) Seven (7) years after the patient's eighteenth (18) birthday, if the patient was seen as a minor; or
  - (c) Two (2) years following the patient's death.
- (2) Each dentist shall comply with KRS 422.317 regarding the release of patient records.
- (3) Each patient record for a dental patient in the Commonwealth of Kentucky shall include at a minimum:
  - (a) The patient's name;
  - (b) The patient's date of birth;
  - (c) The patient's medical history;
  - (d) The date of treatment;
  - (e) The tooth number, surfaces, or areas to be treated;
  - (f) The material used in treatment;
  - (g) Local or general anesthetic used, the type, and the amount;
  - (h) Sleep or sedation dentistry medications used, the type, and the amount; and
  - (i) A complete list of prescriptions provided to the patient, the amount given, and the number of refills indicated.

Section 3. Infection Control Compliance.

- (1) Each licensed dentist in the Commonwealth of Kentucky shall:
  - (a) Adhere to the universal precautions outlined in the "Guidelines for Infection Control in Dental Health-Care Settings" published by the Centers for Disease Control and Prevention; and
  - (b) Ensure that any person under the direction, control, supervision, or employment of a licensee whose activities involve contact with patients, teeth, blood, body fluids, saliva, instruments, equipment, appliances, or intra-oral devices adheres with those same universal precautions.
- (2) The board or its designee may perform an infection control inspection of a dental practice utilizing the "Infection Control Inspection Checklist".
- (3) Any dentist who is found deficient upon an initial infection control inspection shall have thirty (30) days to be in compliance with the guidelines and submit a written plan of correction to the board. The dentist may receive a second inspection after the thirty (30) days have passed. If the dentist fails the second inspection they shall be immediately temporarily suspended pursuant to 2010 Ky. Acts ch. 85, sec. 14 until proof of compliance is provided to the board and they shall pay the fine as prescribed in 201 KAR 8:520.
- (4) Any licensed dentist, licensed dental hygienist, registered dental assistant, or dental assistant in training for registration who performs invasive procedures may seek counsel from the board if he or she tests seropositive for the human immunodeficiency virus or the hepatitis B virus.
- (5) Upon the request of a licensee or registrant, the executive director of the board or his designee shall convene a confidential expert review panel to offer counsel regarding under what circumstances, if any, the individual may continue to perform invasive procedures.

Section 4. Termination of a Patient-Doctor Relationship. In order for a licensed dentist to terminate the patient-doctor relationship, the dentist shall:

- (1) Provide written notice to the patient of the termination;
- (2) Provide emergency treatment for the patient for thirty (30) days from the date of termination; and
- (3) Retain a copy of the letter of termination in the patient records.

Section 5. Incorporated by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Guidelines for Infection Control in Dental Health-Care Settings", December 2003; and

(b) “Infection Control Inspection Checklist”, July 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board’s Web site at <http://dentistry.ky.gov>.

(New Emergency Administrative Regulation)

**201 KAR 8:560E. Licensure of dental hygienists.**

RELATES TO: KRS 214.615, 2010 Ky. Acts ch. 85, sec. 5, 2010 Ky. Acts ch. 85, sec. 7, 2010 Ky. Acts ch. 85, sec. 10, 2010 Ky. Acts ch. 85, sec. 13, 2010 Ky. Acts ch. 85, sec. 17, 2010 Ky. Acts ch. 85, sec. 22

STATUTORY AUTHORITY: KRS 214.615(2), 2010 Ky. Acts ch. 85, sec. 3(1)(a)-(c), 2010 Ky. Acts ch. 85, sec. 7(1), (2), and (7), 2010 Ky. Acts ch. 85, sec. 22(8)

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 7 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes those requirements and procedures.

Section 1. General Licensure Requirements. An applicant desiring licensure in the Commonwealth shall at a minimum:

- (1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;
- (2) Submit a completed and signed "Application for Dental Hygiene Licensure";
- (3) Pay the fee required by 201 KAR 8:520;
- (4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 which would prevent licensure;
- (5) Provide proof of completion of the requirements of KRS 214.615(1);
- (6) Complete and pass the board's jurisprudence exam;
- (7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;
- (8) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint;
- (9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;
- (10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental hygiene school or college or dental hygiene department of a university;
- (11) Provide proof that the applicant has successfully completed the National Board Dental Hygiene Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and
- (12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination.

- (1) Each individual desiring initial licensure as a dental hygienist by examination shall complete all of the requirements listed in Section 1 of this administrative regulation.
- (2) Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of his application.
  - (a) Prior to July 15, 2015, the board shall accept the following regional clinical examinations:
    1. The examination of the Council of Interstate Testing Agencies (CITA);
    2. The examination of the Central Regional Dental Testing Service (CRDTS);
    3. The examination of the North East Regional Board of Dental Examiners (NERB);
    4. The examination of the Southern Regional Testing Agency (SRTA); or
    5. The examination of the Western Regional Examining Board (WREB).
  - (b) After July 15, 2015, the board shall only accept a nationalized clinical examination.
- (3) An individual desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental hygiene education shall:
  - (a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or
  - (b) If the applicant does not hold a license to practice dental hygiene in good standing, complete a board approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.
- (4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan prescribed by the board.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dental hygienist by credentials shall:

- (1) Complete all of the requirements listed in Section 1 of this administrative regulation;
- (2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and
- (3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the application, the applicant has been engaged in the active practice of dental hygiene when he or she was legally authorized to practice dental

hygiene in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky.

Section 4. Requirements for Charitable Limited Licensure.

- (1) Each individual desiring a charitable limited license shall:
  - (a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;
  - (b) Submit a completed and signed "Application for Charitable Dental Hygiene Licensure";
  - (c) Not be subject to disciplinary action pursuant to KRS Chapter 313 which would prevent licensure;
  - (d) Have a license to practice dental hygiene in good standing in another state; and
  - (e) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.
- (2) Individuals licensed under this section shall:
  - (a) Work only with charitable entities registered with the Cabinet for Health and Family Services which have met requirements of 2010 Ky. Acts ch. 85, sec. 22 and 201 KAR 8:580;
  - (b) Only perform procedures allowed by 2010 Ky. Acts ch. 85, sec. 22, which shall be completed within the duration of the charitable event;
  - (c) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-075;
  - (d) Perform these duties without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer; and
  - (e) Have a charitable limited license which will be good for two (2) years and expire during the regular dental hygiene renewal cycle.

Section 5. Minimum Continuing Education Requirements.

- (1) Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education which relates to or advances the practice of dental hygiene and would be useful to the licensee in his practice.
- (2) Acceptable continuing education hours shall include course content designed to increase:
  - (a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;
  - (b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;
  - (c) Awareness of currently accepted methods of infection control;
  - (d) Knowledge of basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;
  - (e) Knowledge of clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;
  - (f) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;
  - (g) Competency in assisting in mass casualty or mass immunization situations;
  - (h) Clinical skills through the volunteer of clinical charitable dental hygiene which meets the requirements of 2010 Ky. Acts ch. 85, sec. 22;
  - (i) Knowledge of office business operations and best practices; or
  - (j) Participation in dental or dental hygiene association or society business meetings.
- (3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.
- (4) A maximum of ten (10) hours total may be taken which meet the requirements of Section 5(2)(g)-(j) of this administrative regulation.
- (5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:
  - (a) The signature of the provider;
  - (b) The name of the licensee in attendance;
  - (c) The title of the course or meeting attended or completed;
  - (d) The date of attendance or completion;
  - (e) The number of hours earned; and
  - (f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.
- (6) It shall be the sole responsibility of the individual dental hygienist to obtain documentation from the provider or sponsoring organization verifying participation as outlined in Section 5(5) and to retain the documentation for a minimum of five (5) years.
- (7) At the time of license renewal, each licensee shall attest to the fact that he or she has complied with the requirements of this section.
- (8) Each licensee shall be subject to audit of proof of continuing education compliance by the board.

Section 6. Requirements for Renewal of a Dental Hygiene License.

- (1) Each individual desiring renewal of an active dental hygiene license shall:
  - (a) Submit a completed and signed “Application for Renewal of Dental Hygiene Licensure”;
  - (b) Pay the fee required by 201 KAR 8:520;
  - (c) Maintain with no more than a thirty (30) day lapse CPR certification which meets or exceeds the guidelines set forth by the American Heart Association unless a hardship waiver is submitted to and subsequently approved by the board;
  - (d) Meet the requirements of KRS 214.615(1) regarding HIV/AIDS education of healthcare providers; and
  - (e) Meet the continuing education requirements as outlined in Section 5 of this administrative regulation except in the following cases:
    1. If a hardship waiver has been submitted to and is subsequently approved by the board;
    2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee shall complete one-half of the hours as outlined in Section 5 of this administrative regulation; and
    3. If the licensee graduated in the second year of the renewal biennium, in which case the licensee shall not be required to complete the continuing education requirements outlined in Section 5 of this administrative regulation.
- (2) If a licensee has not actively practiced dental hygiene in the two (2) consecutive years preceding the filing of the renewal application, he or she shall complete and pass a board approved refresher course prior to resuming the active practice of dental hygiene.

#### Section 7. Retirement of a License.

- (1) Each individual desiring retirement of a dental hygiene license shall submit a completed and signed “Retirement of License Form”.
- (2) Upon receipt of this form, the board will send written confirmation of retirement to the last known address of the licensee.
- (3) No individual may retire a license that has pending disciplinary action against it.
- (4) Each retirement shall be effective upon the processing of the completed and signed “Retirement of License Form” by the board.

#### Section 8. Reinstatement of a License.

- (1) Each individual desiring reinstatement of a properly retired dental hygiene license shall:
  - (a) Submit a signed and completed “Application to Reinstate a Dental Hygiene License”;
  - (b) Pay the fee required by 201 KAR 8:520;
  - (c) Show proof of having current certification in CPR which meets or exceeds the guidelines set forth by the American Heart Association;
  - (d) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;
  - (e) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and
  - (f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.
- (2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as outlined in Section 5 of this administrative regulation within those two (2) years.
- (3) If the applicant has not actively practiced dental hygiene in the two (2) consecutive years immediately preceding the filing of the reinstatement application, the applicant shall complete and pass a refresher course approved by the board.
- (4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as outlined in Section 5 of this administrative regulation prior to the renewal of his license.
- (5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half of the hours as outlined in Section 5 of this administrative regulation prior to the renewal of his license.

#### Section 9. Requirements for Verification of Licensure. Each individual desiring verification of a dental hygiene license shall:

- (1) Submit a signed and completed “Verification of Licensure or Registration Form”; and
- (2) Pay the fee required by 201 KAR 8:520.

#### Section 10. Requesting a Duplicate License. Each individual desiring a duplicate dental hygiene license shall:

- (1) Submit a signed and completed “Duplicate License or Registration Request Form”; and
- (2) Pay the fee required by 201 KAR 8:520.

#### Section 11. Requirements for Local Anesthesia Registration.

- (1) An individual who has completed a course of study in dental hygiene at a board-approved CODA accredited institution on or after July 15, 2010, which meets or exceeds the education requirements as set forth in 2010 Ky. Acts ch.

85, sec. 10(10) shall be granted the authority to practice local anesthesia upon the issuance by the board of a dental hygiene license.

(2) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to administer local anesthesia and does not qualify to do so under Section 12(1) of this administrative regulation shall complete a training and education course as described in 2010 Ky. Acts ch. 85, sec. 10(10).

(3) The training and education course shall be offered by one of the following institutions in Kentucky:

- (a) University of Louisville School of Dentistry;
- (b) University of Kentucky College of Dentistry;
- (c) Western Kentucky University Dental Hygiene Program;
- (d) Lexington Community College Dental Hygiene Program; and
- (e) Kentucky Community Technical College System Dental Hygiene Programs.

(3) Training received outside of Kentucky shall be from a CODA accredited dental or dental hygiene school and shall meet the requirements established in 2010 Ky. Acts ch. 85, sec. 10(10).

(4) Once the required training is complete the applicant shall:

- (a) Complete the "Dental Hygiene Local Anesthesia Registration Application"; and
- (b) Pay the fee required by 201 KAR 8:520.

(5) Individuals authorized to practice under this provision shall receive a license from the board indicating registration to administer local anesthesia.

(6) A licensed dental hygienist shall not administer local anesthesia if the licensee does not hold a local anesthesia registration issued by the board.

(7) Any licensed dental hygienist holding a local anesthesia registration from the board who has not administered block anesthesia, infiltration anesthesia, or nitrous oxide analgesia for one (1) year shall complete a board approved refresher course prior to resuming practice of that specific technique.

#### Section 12. Requirements for General Supervision Registration.

(1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice under general supervision shall:

- (a) Complete the "General Supervision Registration Application";
- (b) Meet the requirements of 2010 Ky. Acts ch. 85, sec. 7(7)(a);
- (c) Document through payroll records, employment records, or other proof that is independently verifiable the dates and hours of employment by a dentist in the practice of dental hygiene which demonstrate the required two (2) years and 3,000 hours of experience;
- (d) Successfully complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies which shall include, at a minimum, the following topics:
  - 1. Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;
  - 2. Recognition of common medical emergency situations, symptoms and possible outcomes;
  - 3. Office emergency protocols; and
  - 4. Prevention of emergency situations during dental treatments.

(2) Individuals authorized to practice under these provisions shall receive a license from the board indicating registration to practice under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to 2010 Ky. Acts ch. 85, sec. 7(7) shall complete a written order prescribing the dental service or procedure to be done to a specific patient by the dental hygienist retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

- (a) Medical history update;
- (b) Radiographic records requested;
- (c) Dental hygiene procedures requested;
- (d) Name of the patient;
- (e) Date of last oral examination;
- (f) Date of the written order; and
- (g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services under 2010 Ky. Acts ch. 85, sec. 7(7) as part of the "General Supervision Registration Application".

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as listed in "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", 2007 Edition, American Dental Association.

(8) A licensed dental hygienist shall not practice under general supervision if the licensee does not hold a general supervision registration issued by the board.

**Section 13. Requirements for Starting Intravenous Access Lines.**

(1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action under KRS Chapter 313 who desires to start intravenous (IV) access lines while under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall:

(a) Submit a signed and completed "Application for Intravenous Access Line Registration";

(b) Pay the fee required by 201 KAR 8:520;

(c) Submit documentation proving successful completion of a board-approved course in starting IV access lines.

(2) Individuals authorized to practice under this provision shall receive a license from the board indicating registration to start IV access lines.

(3) A licensed dental hygienist shall not start IV access lines if the licensee does not hold a registration to start IV access lines issued by the board.

**Section 14. Requirements for Performing Laser Debridement.**

(1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action under KRS Chapter 313 who desires to perform laser debridement while under the direct supervision of a dentist licensed by the board shall:

(a) Submit a signed and completed "Application for Laser Debridement Registration";

(b) Pay the fee required by 201 KAR 8:520;

(c) Submit documentation proving successful completion of a board-approved course in performing laser debridement.

(2) Individuals authorized to practice under this provision shall receive a license from the board indicating registration to perform laser debridement.

(3) A licensed dental hygienist shall not perform laser debridement if the licensee does not hold a registration to do so issued by the board.

**Section 15. Issuance of Initial Licensure.** If an applicant has completed the requirements for licensure the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or the administrative regulations promulgated thereunder.

**Section 16. Incorporation by Reference.**

(1) The following material is incorporated by reference:

(a) "Application for Dental Hygiene Licensure", July 2010;

(b) "Application for Charitable Dental Hygiene Licensure", July 2010;

(c) "Application for Renewal of Dental Hygiene Licensure", July 2010;

(d) "Retirement of License Form", July 2010;

(e) "Application to Reinstate a Dental Hygiene License", July 2010;

(f) "Verification of Licensure or Registration Form", July 2010;

(g) "Duplicate License or Registration Request Form", July 2010;

(h) "Dental Hygiene Local Anesthesia Registration Application", July 2010;

(i) "General Supervision Registration Application", July 2010;

(j) "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", 2007 Edition;

(k) "Application for Intravenous Access Line Registration", July 2010; and

(l) "Application for Laser Debridement Registration", July 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

(New Emergency Administrative Regulation)

**201 KAR 8:570E. Registration of dental assistants.**

RELATES TO: KRS 214.615, 2010 Ky. Acts ch. 85, sec. 5, 2010 Ky. Acts ch. 85, sec. 8, 2010 Ky. Acts ch. 85, sec. 9, 2010 Ky. Acts ch. 85, sec. 13, 2010 Ky. Acts ch. 85, sec. 17

STATUTORY AUTHORITY: KRS 214.615(2), 2010 Ky. Acts ch. 85, sec. 3(1)(a), (b), (c), 2010 Ky. Acts ch. 85, sec. 8(1)

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 8(1) requires the board to promulgate administrative regulations relating to requirements and procedures for registration, duties, training, and standards of practice for dental assistants. This administrative regulation establishes those requirements and procedures.

Section 1. Definitions. "Coronal polishing" means a procedure which is adjunctive to the dental prophylaxis which is performed by a licensed dentist or dental hygienist.

Section 2. General Registration Requirements.

- (1) An applicant desiring registration as a dental assistant in the Commonwealth shall at a minimum:
  - (a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;
  - (b) Submit a completed and signed "Application for Dental Assistant Registration";
  - (c) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 which would prevent registration;
  - (d) Provide proof of completion of the requirements of KRS 214.615(1);
  - (e) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;
  - (f) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and
  - (g) Provide proof of one (1) year dental office experience along with the name and address of the supervising dentist.
- (2) Any individual practicing as a dental assistant in the Commonwealth of Kentucky on July 15, 2010, shall apply for registration no later than July 15, 2011.
- (3) Any individual who has successfully completed a CODA accredited dental assisting program may register with the board without proving one (1) year of dental office experience.

Section 3. Issuance of Initial Registration. Once an applicant has completed the requirements of Section 2 of this administrative regulation the board shall:

- (1) Issue a registration in sequential numerical order; or
- (2) Deny registration due to a violation of KRS Chapter 313 or the administrative regulations promulgated thereunder.

Section 4. General Training Requirements.

- (1) A registered dental assistant may perform any duty on the delegated duty list, which is incorporated by reference, so long as the individual has been trained by the employing dentist and the dentist retains proof of the training.
- (2) Proof of training shall include the following:
  - (a) Name of the individual trained;
  - (b) Name of the individual providing the training;
  - (c) Date the training was completed; and
  - (d) A list of specific duties delegated to the assistant from the delegated duty list.
- (3) This training may be conducted prior to the registration of the dental assistant if the training is documented by the employing dentist.

Section 5. Coronal Polishing Requirements.

- (1) A registered dental assistant may perform coronal polishing if he or she:
  - (a) Completes the training described in Section 5(2) of this administrative regulation; and
  - (b) Obtains a certificate from the authorized institution, which shall be provided to the board for the assistant's file and maintained in the employee's personnel file at each place of employment.
- (2) The required training shall consist of an eight (8) hour course taught at an institution of dental education accredited by the Council on Dental Accreditation to include the following:
  - (a) Overview of the dental team;
  - (b) Dental ethics, jurisprudence and legal understanding of procedures allowed by each dental team member;
  - (c) Management of patient records, maintenance of patient privacy, and completion of proper charting;
  - (d) Infection control, universal precaution, and transfer of disease;
  - (e) Personal protective equipment and overview of Occupational Safety and Health Administration requirements;
  - (f) Definition of plaque, types of stain, calculus, and related terminology and topics;
  - (g) Dental tissues surrounding the teeth and dental anatomy and nomenclature;
  - (h) Ergonomics of proper positioning of patient and dental assistant;
  - (i) General principles of dental instrumentation;



- (j) Rationale for performing coronal polishing;
  - (k) Abrasive agents;
  - (l) Coronal polishing armamentarium;
  - (m) Warnings of trauma which can be caused by improper techniques in polishing;
  - (n) Clinical coronal polishing technique and demonstration;
  - (o) Written comprehensive examination covering the material listed in this section, which shall be passed by a score of seventy-five (75) percent or higher;
  - (p) Completion of the reading component as required by Section 5(3) of this administrative regulation; and
  - (q) Clinical competency examination supervised by a dentist licensed in Kentucky, which shall be performed on a live patient.
- (3) A required reading component for each course shall be prepared by each institution offering coronal polishing education which shall:
- (a) Consist of the topics established in Section 5(2)(a) to (n) of this administrative regulation;
  - (b) Be provided to the applicant prior to the course described in Section 5(2) of this administrative regulation; and
  - (c) Be reviewed and approved by the Board.
- (4) The institutions of dental education approved to offer the coronal polishing course in Kentucky shall be:
- (a) University of Louisville School of Dentistry;
  - (b) University of Kentucky College of Dentistry;
  - (c) Western Kentucky University Dental Hygiene Program;
  - (d) Lexington Community College Dental Hygiene Program; and
  - (e) Kentucky Community Technical College System Dental Hygiene or Dental Assisting Programs.

Section 6. X-rays by Registered Dental Assistants. A registered dental assistant may take x-rays under the direct supervision of a dentist licensed in Kentucky if the assistant completes:

- (1) A six (6) hour course in dental radiography safety approved by the board; and
- (2) Four (4) hours of instruction in dental radiography technique while under the employment and supervision of the dentist in the office; or
- (3) A four (4) hour course in radiography technique approved by the board.

Section 7. Requirements for Starting Intravenous Access Lines.

- (1) An individual registered as a dental assistant in Kentucky and not subject to disciplinary action under KRS Chapter 313 who desires to start intravenous (IV) access lines while under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall:
  - (a) Submit a signed and completed "Application for Intravenous Access Line Registration";
  - (b) Pay the fee required by 201 KAR 8:520;
  - (c) Submit documentation proving successful completion of a board-approved course in starting IV access lines.
- (2) Individuals authorized to practice under this provision shall receive a registration from the board indicating registration to start IV access lines.
- (3) A registered dental assistant shall not start IV access lines if the registrant does not hold a registration to start IV access lines issued by the board.

Section 8. Renewal Requirements. An individual desiring renewal of an active dental assistant registration shall:

- (1) Submit a completed and signed "Application for Renewal of Dental Assistant Registration";
- (2) Maintain with no more than a thirty (30) day lapse CPR certification which meets or exceeds the guidelines set forth by the American Heart Association unless a hardship waiver is submitted to and subsequently approved by the board; and
- (3) Have their application signed by the supervising dentist as to their continued competency in the duties assigned to them from the delegated duties list.

Section 9. Expiration of a Registration.

- (1) A registration shall expire:
  - (a) Upon termination of employment as a dental assistant under the direct supervision of a licensed dentist; or
  - (b) Upon the expiration date listed on the registration in the event that a registered dental assistant fails to renew the registration.
- (2) Any registration issued by the board prior to December 31, 2010 shall be valid until December 31, 2012.

Section 10. Reciprocity. A registered dental assistant who does not meet the requirements of Section 5 of this administrative regulation may apply for and be granted a certificate to perform coronal polishing in the Commonwealth of Kentucky if he or she provides:

- (1) Credentialing information which shall include:
  - (a) A copy of the credentials issued in the other jurisdiction; and

- (b) A copy of the law and administrative regulations of that jurisdiction which specify requirements that are equal to or greater than the requirements established in 2010 Ky. Acts ch. 85, sec. 8 and this administrative regulation; or
- (2) Educational information which shall include:
  - (a) A syllabus of course work successfully completed by the applicant from the accrediting dental hygiene or dental assisting program; and
  - (b) Verification of successful completion of the accredited course.

Section 11. Verification of Registration. An individual desiring verification of a dental assistant registration shall:

- (1) Submit a signed and completed "Verification of License or Registration Form"; and
- (2) Pay the fee required by 201 KAR 8:520.

Section 12. Duplicate Registrations. An individual desiring a duplicate dental assistant registration shall:

- (1) Submit a signed and completed "Duplicate License or Registration Request Form"; and
- (2) Pay the fee required by 201 KAR 8:520.

Section 13. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Application for Dental Assistant Registration", July 2010;
  - (b) "Delegated Duty List", July 2010;
  - (c) "Application for Intravenous Access Line Registration", July 2010;
  - (d) "Application for Renewal of Dental Assistant Registration", July 2010;
  - (e) "Verification of Licensure or Registration Form", July 2010; and
  - (f) "Duplicate License or Registration Request Form", July 2010.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

(New Emergency Administrative Regulation)

**201 KAR 8:580E. Charity dental practices and post-disaster clinics.**

RELATES TO: 2010 Ky. Acts ch. 85, sec. 22

STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 3(1), 2010 Ky. Acts ch. 85, sec. 22

NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 3(1) requires the board to exercise all of the administrative functions of the Commonwealth in the regulation of the profession of dentistry, 2010 Ky. Acts ch. 85, sec. 10 requires the board to promulgate administrative regulations relating to dental practices, and 2010 Ky. Acts ch. 85, sec. 22 requires the board to promulgate administrative regulations relating to the charitable practice of dentistry. This administrative regulation establishes requirements for charitable dental practices and post-disaster clinics.

Section 1. Minimum Documentation Standards for All Dental Patients of a Charitable Dental Practice or Post-Disaster Clinic. Each patient record for a dental patient of a charitable dental practice or post-disaster clinic in the Commonwealth of Kentucky shall include at a minimum:

- (1) The patient's name;
- (2) The patient's date of birth;
- (3) The patient's medical history;
- (4) The patient's dental history;
- (5) The patient's current medications from all healthcare providers;
- (6) The date of current treatment;
- (7) The diagnosis;
- (8) The treatment options presented to the patient;
- (9) The tooth number and surfaces to be treated, which shall be included in the progress notes;
- (10) The patient's current blood pressure reading;
- (11) Informed consent by the patient; and
- (12) Signature or initials of the provider.

Section 2. Documentation of Infection Control Procedures. All charitable dental practices and post-disaster clinics in the Commonwealth of Kentucky shall adhere to the universal precautions outlined in the "Guidelines for Infection Control in Dental Health-Care Settings" published by the Centers for Disease Control and Prevention and shall retain documentation proving that:

- (1) All workers have been educated in the charitable dental practice or post-disaster clinic procedures for infection control;
- (2) All workers involved in patient treatment of have received a Hepatitis B vaccination or have signed a waiver;
- (3) A policy is in place requiring all staff involved in clinical patient care to wear a fresh set of gloves for each patient;
- (4) A policy is in place related to all staff changing gloves between patients;
- (5) A policy is in place related to all staff wearing protective clothing during patient care;
- (6) A policy is in place related to all staff wearing mask when procedures involve spatter;
- (7) The charitable dental practice or post-disaster clinic contains the necessary supplies to comply with the aforementioned policies;
- (8) All hand-pieces are sterilized following each patient treatment by one of the following means:
  - (a) Autoclave;
  - (b) Dry heat; or
  - (c) Heat or chemical vapor.
- (9) There is routine verification that sterilization methods are functioning properly;
- (10) Individual burs, hand instruments, and rotary instruments are either discarded or sterilized following each use;
- (11) A policy is in place which addresses the disinfection of all operatory equipment and surfaces between patients;
- (12) All surfaces that are difficult to disinfect are covered with a non-penetrable barrier;
- (13) A policy is in place requiring that all non-penetrable surfaces are changed between patients;
- (14) Disinfectant is used, including the name and type of the disinfectant;
- (15) A policy is in place which describes a separate place for the cleaning, disinfecting, and sterilization of items, with a mechanism of separation from the patient treatment area that may be:
  - (a) An enclosed instrument table;
  - (b) Curtains or wall separation; or
  - (c) Bagging of the instruments;

- (16) A policy is in place which provides for the protection of dental records, charts, and radiographs from biohazards while those items are in the patient treatment area, or if no protection exists, charts shall be readily reproducible with limited effort; and
- (17) An agreement exists with an agency to properly dispose of all medical waste and bio-hazardous material, including sharps, instruments, and human tissue.

#### Section 3. Infection Control Inspections.

- (1) The board or its designee may perform an infection control inspection of a charitable dental practice or post-disaster clinic utilizing the “Infection Control Inspection Checklist”.
- (2) Any charitable dental practice or post-disaster clinic which is found deficient upon an initial infection control inspection shall not be allowed to continue until the clinic coordinator provides proof to the board that the charitable dental practice or post-disaster clinic is in compliance.

#### Section 4. General Requirements for Charitable Dental Practices and Post-Disaster Clinics. All charitable dental practices and post-disaster clinics in the Commonwealth shall comply with the following requirements:

- (1) The clinic coordinator, who shall supervise and oversee all charitable dental practice or post-disaster clinic functions, shall be a Kentucky licensed dentist;
- (2) There shall be a functional radiograph machine on site;
- (3) Follow-up care provisions shall be in place for each patient requiring follow-up care;
- (4) A written blood-borne pathogen exposure control plan shall be kept on site;
- (5) A sharps stick protocol shall be followed in which:
  - (a) The entity that will collect specimens shall be identified prior to the start of the event; and
  - (b) The laboratory that will perform blood work analysis shall be identified prior to the start of the event.
- (6) Post-operative instructions shall be delivered to the patient prior to the patient leaving;
- (7) No dentist shall supervise more than six (6) students in a charitable dental practice or post-disaster clinic;
- (8) All procedures shall be concluded by the end date of the charitable dental practice or post-disaster clinic unless a Kentucky licensed dentist has stated in writing that the licensee shall complete the procedure in a timely manner at his practice;
- (9) All charitable dental practices with the exception of post-disaster clinics shall notify the board no less than thirty (30) days prior to the start of an event of the dates, locations and host of the event;
- (10) A charitable dental practice or post-disaster clinic shall provide the names and license numbers of all participating dentists and dental hygienists no later than fifteen (15) days post-event;
- (11) All narcotics prescriptions written during an event shall be approved by a designated dental prescription coordinator who shall hold a full license to practice dentistry in the Commonwealth of Kentucky;
- (12) A written emergency medical response plan shall be kept on site; and
- (13) All charitable dental practices or post-disaster clinics larger than forty (40) chairs shall have at least one (1) Basic Life Support (BLS) ambulance on site for the duration of the event.

#### Section 5. Registered Dental Assistants and Auxiliary Personnel.

- (1) For the purpose of a charitable dental practice or post-disaster clinic, any individuals other than a licensed dentist or licensed dental hygienist shall be restricted to the duties of a dental auxiliary; and
- (2) No one shall take radiographs without meeting the requirements of 201 KAR 8:570.

#### Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) “Guidelines for Infection Control in Dental Health-Care Settings”, December 2003; and
  - (b) “Infection Control Inspection Checklist”, July 2010.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board’s Web site at <http://dentistry.ky.gov>.